

**THE STATE OF NEW HAMPSHIRE**

10<sup>th</sup> Circuit – District Division – Hampton

State v. Destinie L. Berard

441-2024-CR-00353

**Motion for Withdrawal**

NOW COMES Dana Albrecht, and respectfully moves for this Court to enter his withdrawal in this matter, **effective upon the date of the filing of a formal appearance by professional licensed counsel** to represent the Defendant. In support thereof it is stated:

1. Rule 1.16(d) of the New Hampshire Rules of Professional Conduct requires that:


**As a condition to termination of representation, a lawyer shall [emphasis added] take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel [emphasis added], surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by law.**

2. On October 21, 2024 this Court ordered:

**For these reasons, the Court denies the request to continue the case at this time. The denial is made without prejudice.** If Ms. Berard files a compliant Request for Lawyer form, or otherwise complies with Judge Pendleton's July 16, 2024 Order, and is otherwise found to qualify for court appointed counsel, then she may renew her request to continue the November 13, 2024 Trial Date, and to have a hearing be scheduled on her Motion for Court Appointed Private counsel at State Expense. The Court does require that she file the Request for Counsel form within 14 days of issuance of this Order, however, so that the State may have a reasonable amount of time to prepare for trial if the case is going to go forward on November 13, 2024. **If she fails to file the relevant request, the Court will go forward with the trial on November 13, 2024.**

So Ordered,

10/21/2024  
Date

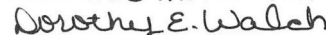
  
Judge John Pendleton

3. Because the undersigned did not want Ms. Berard to be forced to represent herself at **the November 13, 2024 trial**, he entered an appearance for Ms. Berard pursuant to [RSA 311:1](#).
4. After **the November 13, 2024 trial**, this Court (Walch, J) ordered **on November 14, 2024** that when “counsel will be appointed if financially eligible” then **Defendant’s Motion for Court Appointed Private Counsel at State Expense (Index #20)** “will be scheduled for a hearing.”

  
DESTINIE L. BERARD

July 6, 2024

Issue addressed on the record. Defendant is currently represented by a non-attorney representative. When Defendant complies with Judge Pendleton's -3- July 16, 2024, counsel will be appointed if financially eligible, and this motion will be scheduled for a hearing.

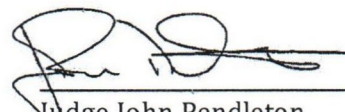
  
Dorothy E. Walch, Judge 11-14-2024

5. Consequently, pursuant to **N.H. R. Prof'l Conduct R. 1.16(d)** (requiring the undersigned to protect client interests as a condition of termination), the undersigned respectfully requests that this Court schedule a hearing on **Defendant’s Motion for Court Appointed Private Counsel at State Expense (Index #20)** “as soon as practical” pursuant to Judge Walch’s November 14, 2024 Order (at ¶4) and Judge Pendleton’s July 16, 2024 Order:

The Court as to the Defendant's Motion for Court Appointed Private Counsel at State Expense, shall schedule that for a hearing as soon as practical.

So Ordered,

7/16/2024  
Date

  
Judge John Pendleton

6. On March 7, 2025, this Court ordered (Pendleton, J) that “Defendant may ... hire her own counsel **or proceed either by herself or with Mr. Albrecht.**”

7. On April 15, 2025, Administrative Judge Ellen V. Christo ordered:

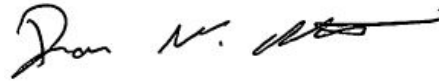
APPOINTMENT OF COUNSEL			
Case Name:	State v. DESTINIE L BERARD		
Case Number:	441-2024-CR-00353		
<p>The court has approved your request for a lawyer and/or made an order that a lawyer be appointed to represent you because you have been charged with a Class A Misdemeanor. Below is the name and contact information of the attorney's office appointed to represent you. Please contact the attorney's office immediately.</p>			
<b>Attorney Information:</b>			
Name:	NH Public Defender, Rockingham County	Telephone:	1-800-464-0652
Address:	PO Box 679 Stratham NH 03885		
<b>Hearing Information:</b>			
<b>Hearing Type:</b> Trial		<b>Hearing Date:</b> May 15, 2025 at 1:00PM	
<b>Charge Information:</b>			
Description:	Inchoate:	Statute:	
Violation of Protective Order		173-B:9	

8. The Defendant has a constitutional right to be represented by effective assistance of counsel **at all stages of the proceedings**. *See, e.g., Montejo v. Louisiana, 556 U.S. 778, 786 (2009)* (“once the adversary judicial process has been initiated, the Sixth Amendment guarantees a defendant the right to have counsel present at all ‘critical’ stages of the criminal proceedings”); *Rothgery v. Gillespie County, 554 U.S. 191 (2008)* (holding that the Sixth Amendment right to counsel attaches when liberty is subject to restriction and does not require that a public prosecutor, as distinct from a police officer, be aware of the proceeding); *Strickland v. Washington, 466 U.S. 668 (1984)* (holding that the Sixth Amendment requires effective assistance of counsel); *Gideon v. Wainwright, 372 U.S. 335 (1963)* (holding that professional counsel must be provided at government expense for indigent criminal defendants).
9. Rule 1.16(d) further requires that **time be allowed for employment of other counsel**.
10. Consequently, the undersigned respectfully requests that his withdrawal be **effective upon the date of the filing of a formal appearance** by professional licensed counsel to represent the Defendant.

WHEREFORE, Mr. Albrecht respectfully requests that the Court:

- A) Enter his withdrawal **effective upon the date of the filing of a formal appearance by professional licensed counsel to represent the Defendant;** and,
- B) Provide any other relief the Court deems just and equitable.

Respectfully submitted,



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DANA ALBRECHT

*Per RSA 311:1*

131 Daniel Webster Hwy #235  
Nashua, NH 03060  
[dana.albrecht@hushmail.com](mailto:dana.albrecht@hushmail.com)  
(603) 809-1097

April 24, 2025

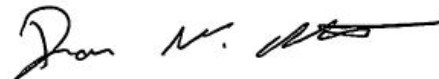
### CERTIFICATE OF SERVICE

I certify that a copy of this Motion, has been sent first class, postage-prepaid, to:

Ms. Destinie L. Berard  
46 Pond St.  
Georgetown, MA 01883

NH Public Defender,  
Rockingham County  
P.O. Box 679  
Stratham, NH 03885

John Ventura, Esq.  
Seabrook Police Department  
7 Liberty Lane  
Seabrook, NH 03874



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DANA ALBRECHT

April 24, 2025